

ORIGINAL



0000068551

BEFORE THE ARIZONA CORPORATION COMMISSION

26

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2007 DEC 19 P 4:37

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 19 2007

DOCKETED BY

IN THE MATTER OF THE) DOCKET NO. RR-03639A-07-0519
APPLICATION OF UNION)
PACIFIC RAILROAD TO ALTER) UNION PACIFIC RAILROAD
FIVE CROSSINGS OF THE UNION) COMPANY'S RESPONSE TO
PACIFIC RAILROAD AT TREKELL,) STAFF MOTION FOR
KEELING, PEART, COX, AND) EXTENSION OF DEADLINE
SUNLAND GIN ROADS) UP DOUBLE TRACK CASES

Applicant Union Pacific Railroad Company ("Union Pacific") opposes Staff's motion on the grounds that it "requests an indefinite extension of the filing deadline for the Staff Report pending finalization of the arrangement with the consultants." (Emphasis added.) Union Pacific understands that "Staff has chosen to bring outside consultants in to assist in the preparation of Staff's case and the Staff Report," as stated in Staff's motion. It is not Union Pacific's intention to object to Staff's use of consultants in preparing Staff's report.

But Union Pacific made a complete presentation of its double-track project to the Commissioners in a special open meeting on June 22, 2007. As Staff's motion points out, the application at issue in this Docket Number, filed on September 7, 2007, has now been pending for more than four months. The Procedural Order setting January 18, 2008 (rather than January 4, 2008 as stated in Staff's motion) for Staff's report was filed November 8, 2007 (rather than November 19, 2007 as stated in Staff's motion). If additional time was still needed to retain a consultant, even though the facts and issues relating to Union Pacific's proposed alterations to these crossings were substantially known many months before the Procedural Order was entered,

1 the request for additional time should have been made soon after the application was filed.
2 Further delay in consideration of Union Pacific's application to double track the crossings
3 involved in this application, especially at this stage, will be very detrimental to Union Pacific's
4 attempt to meet the demands of its customers for more rail freight service to, from, and through
5 Arizona and in the Southwest generally.

6 Even if unexpected difficulties have arisen with Staff's consultant, it nevertheless seems
7 unreasonable to ask for an indefinite extension of the filing deadline for the Staff report. An
8 indefinite extension provides no incentive to have the consultant expedite his or her report sooner
9 than his or her usual 30 days. That is why Union Pacific objects to Staff's suggestion that it will
10 "file a request for procedural order at such time as Staff is in a position to commit to specific
11 dates." Union Pacific would respectfully request instead that, because this application has
12 already been pending for a considerable amount of time, any extension should be for no more
13 than 30 days to keep the application process moving forward within a predictable time frame.

14
15 RESPECTFULLY SUBMITTED this 19th day of December, 2007.

16 BEAUGUREAU, ZUKOWSKI, HANCOCK,
17 STOLL & SCHWARTZ, P.C.

18
19 By: Terrance L. Sims
20 Anthony J. Hancock
21 Terrance L. Sims
22 302 East Coronado Road
Phoenix, Arizona 85004
Attorneys for Applicant Union
Pacific Railroad Company

23 ORIGINAL AND THIRTEEN COPIES
24 of the foregoing filed this 19th day of
December, 2007, with:

25 Arizona Corporation Commission
26 1200 West Washington Street
Phoenix, Arizona 85007

1 COPY of the foregoing mailed this
2 19th day of December, 2007, to:

3 Mr. David Raber
4 Mr. Brian Lehman
5 Mr. Chris Watson
6 Railroad Safety Section
7 Arizona Corporation Commission
8 1200 West Washington Street
9 Phoenix, Arizona 85007

7 Janice M. Alward, Esq.
8 Charles H. Hains, Esq.
9 Kenya Collins, Esq.
10 Legal Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

11 
12 _____
13 Dan Norkol
14
15
16
17
18
19
20
21
22
23
24
25
26